

UNITED STATES COPYRIGHT ROYALTY JUDGES
The Library of Congress

In re

**Distribution of
Cable Royalty Funds**

**Docket No. 16-CRB-0009-CD
(2014-2017)**

**Order 33 to Produce Documents
Concerning 2005 and 2016 PBS-NCTA Agreements**

The record of this proceeding has led the Copyright Royalty Judges (“Judges”) to conclude that certain agreements negotiated between The Public Broadcasting Service (“PBS”) and NCTA, a trade association for the U.S. broadband and pay television industries, appear relevant to the resolution of one or more material issues of fact, and that the absence of such agreements from the record would substantially impair the judges’ ability to resolve the allocation issues.

Therefore, the Judges **ORDER** Public Television Claimants to file (using the document type proposed hearing exhibit) (1) the 2005 agreement between NCTA and PBS, *i.e.*, the agreement regarding carriage of Public Television stations by cable system operators¹ and (2) the 2016 agreement between NCTA and PBS, *i.e.*, the renewal of the aforementioned 2005 agreement² within 5 (five) days.

SO ORDERED.

David P. Shaw
Chief Copyright Royalty Judge

Dated: April 25, 2023

¹ See Johnson Rebuttal Testimony (Allocation Hearing Ex. 7303) App. B at 88, NCTA, “Boards of APTS, NCTA and PBS Approve Public Television Digital Cable Carriage Agreement,” February 4, 2005, <https://www.ncta.com/media/media-room/boards-of-apt-s-ncta-and-pbs-approve-public-television-digital-cable-carriage-agreement>

² See *Id.*, PBS Publicity, “APTS, PBS and NCTA Statement Regarding Renewal of 2005 Public Television Digital Cable Carriage Agreement,” February 23, 2016, last modified August 17, 2020, <https://www.pbs.org/about/about-pbs/blogs/news/apt-s-pbs-and-ncta-statement-regarding-renewal-of-2005-public-television-digital-cable-carriage-agreement/>